BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
December 2, 2008

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:04 P. M., Tuesday, December 2, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Harry E. Crisp, Mark Dudenhefer; Paul V. Milde, George H. Schwartz, Chairman; Cord A. Sterling; Robert "Bob" Woodson, and M. S. "Joe" Brito, Vice Chairman. Cord A. Sterling arrived at 1:07 P. M.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Presentation of A Proclamation to Recognize and Commend Raymond Simms as the Recipient of the Clean Water/Bay Friendly Farm Award.</u> Mr. Daniel Chichester, Commonwealth Attorney, presented the award..

<u>Legislative</u>; Report of the Superintendent of Schools. Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current issues and responded to Board members questions.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

Dana Brown - Reflectors on Garrisonville Road.

Gary Michael - Urban Service Area.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Woodson - Toured Rappahannock Regional Jail.

- Attended Base Realignment and Closure Committee Meeting.

 Attended Fredericksburg Area Metropolitan Planning Organization/George Washington Regional Commission Meeting.

 Spoke at Base Realignment and Closure Committee Meeting at Northern Virginia Community College.

 Attended meeting at Mary Washington Graduate School of Studies regarding vocational training.

Mr. Brito - Attended 14 meetings and events.

- Attended groundbreaking of Wal-Mart on Warrenton Road.

Mr. Crisp - Attended a number of meetings.

Old Forge street lights.

- Attended Fredericksburg/Stafford Park Authority Meeting.

- Attended Board of Zoning Appeals Meeting.

Mr. Dudenhefer - Attend a number of meetings each month.

- Attended Quantico Growth Management Committee Meeting.

- Boy Scouts.

Mr. Milde - Thanked Mr. Dudenhefer for presenting an Eagle Scout Award

on behalf of him.

- Attended Potomac and Rappahannock Transportation
 Commission Meeting.
- Attended Virginia Association of Counties Annual Meeting and completed Certification Program.
- Attended Chaplain Group Home Meeting.
- Attended Juvenile Justice Board Meeting.
- Attended Wayfinding Subcommittee Meeting.
- Attended Crows Nest Meeting.
- Attended ribbon cutting for Massage Matters on Garrisonville Road.
- Attended Quantico Business Regional Alliance Meeting.
- Attended meeting on Civil War Sites.
- Attended Trust for Crows Nest Phase II Meeting.
- Attended ceremony for the expansion of the Rappahannock Regional Jail.
- Attended Virginia Railway Express Meeting.
- Attended Redevelopment Area Committee Meeting.

Mr. Sterling

- Great care given Mary Washington Hospital; at capacity.

Mr. Schwartz

- Attended Veterans Day event for wounded warriors.
- Attended Stafford Academy of Technology Meeting.
- Attended Central Rappahannock Regional Library Meeting.
- Attended Rappahannock Regional Jail Meeting.
- Attended Virginia Railway Express Meeting.
- Attended Redevelopment Area Committee Meeting.

<u>Legislative</u>; <u>Report of the County Attorney</u>. Mr. Joe Howard, County Attorney, commented on the following:

Closed Meeting Agenda.

<u>Legislative</u>; <u>Report of the County Administrator</u>. Mr. Anthony Romanello, County Administrator, commented on the following:

- Expansion of the Statistical Report which is provided at the second Board meeting of the month.
- Partnership with School Board on pilot program to work with autistic children.
- Standard and Poors Rating of AA for the Utilities
 Enterprise Fund.
- Introduced Harry Critzer as the new Director of Utilities.

<u>Legislative</u>; <u>Deletion to the Closed Meeting Agenda.</u> Mr. Sterling motioned, seconded by Mr. Woodson, to delete 1 item to the Closed Meeting Agenda.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Milde motioned, seconded by Mr. Crisp, to adopt the Consent Agenda consisting of Items 2 thru 5, removing Item 2.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Item 3. Finance and Budget; Approve Expenditure Listing.

Resolution R08-533 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED NOVEMBER 20, 2008 THROUGH DECEMBER 1, 2008

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of December 2008, that the above-mentioned EL be and it hereby is approved.

Item 4. Legislative; Approve a Proclamation to Recognize and Commend Thomas M. "Mack" Moncure Sr. for His Service to the Citizens of Stafford County.

Proclamation P08-19 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND THOMAS M. "MACK" MONCURE, SR. FOR HIS SERVICE TO THE CITIZENS OF STAFFORD COUNTY

WHEREAS, the County is extremely fortunate to count among its citizens a gentleman who chose to practice law in Stafford his entire life, a man born in 1920 who personifies a time when neighbor knew neighbor; all the children graduated from one high school; and people could count on steadfast friends for a lifetime; and

WHEREAS, following graduation from Stafford High School, Thomas M. "Mack" Moncure, Sr. earned an undergraduate degree from Duke University, graduated

from Marshall-Wythe Law School at the College of William and Mary where he was an outstanding baseball player, and was admitted to the Virginia Bar in 1950; and

WHEREAS, Mack Moncure served his country with honor in the Army Air Corps and as a captain in the United States Marine Corps during World War II and the Korean War; and

WHEREAS, after establishing a thriving law practice, Mack Moncure was appointed as Commissioner of Accounts in 1971, a prestigious post requiring the utmost integrity and the trust of the courts and citizens; and

WHEREAS, as Commissioner of Accounts, Mack Moncure ensured that fiduciary guardians of the elderly and children and estate trustees fulfilled their responsibilities in a conscientious and timely manner as required by law; and

WHEREAS, Mack Moncure's contemporaries and citizens agree that he is one of the most honest men they know, an individual of great intellect who loved to practice law, and taught many local lawyers something new each time they faced this outstanding trail lawyer in court because he prevailed in the majority of his cases; and

WHEREAS, as an attorney and man known for his sharp wit, Mack Moncure knew almost everyone in Stafford and the surrounding counties, and loved nothing better than to spend time at his place on Marlborough Point and have breakfast once a month with the "Over the Hill Gang" to discuss topics of the day and reminisce; and

WHEREAS, Mack Moncure is a man of many interests and talents, active in the Aquia Episcopal Church, a renowned local historian, an amateur artist who drew editorial cartoons for the student paper at William and Mary College, a baseball player of such talent that he could have played in the professional leagues, and most importantly, the man who adored Harriet Spangler Moncure, his wife of 44 years; loves his children and grandchildren; and is passionate about his many friendships; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the devotion, humor and joy with which Mack Moncure served his community, his commitment to the law, and his interest in preserving the history of Stafford County;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 2nd day of December, 2008, that Thomas M. "Mack" Moncure, Sr. be and he hereby is recognized and commended for his service to the citizens of Stafford.

<u>Item 5. Legislative; Appoint Members to Boards, Authorities, Commissions and</u> Committees.

Rappahannock Area Agency on Aging (Advisory Council).

Resolution R08-553 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE RAPPAHANNOCK AREA AGENCY ON AGING (ADVISORY COUNCIL)

WHEREAS, Section 2.1-371 through 2.1-373 of the Code of Virginia (1950), as amended, authorizes the Board to appoint two members to serve on the Rappahannock Area Agency on Aging (Advisory Council); and

WHEREAS, the term of appointment is two years; and

WHEREAS, the Board desires to fill these vacancies;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of December, 2008, that

Brandon Smith December 31, 2010

(Member At-Large)

Vacant

(Member At-Large)

be and he hereby is appointed to the Rappahannock Area Agency on Aging (Advisory Council).

Legislative; Regular Meeting of November 5, 2008. Mr. Milde commented.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to approve the minutes of November 5, 2008, with a change and the minutes of October 21, 2008.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

<u>Presentation by Quintin Elliott, District Administrator, VDOT, on VDOT Projects</u>
<u>Financial Status.</u> Mr. Quintin Elliott, District Administrator, gave a presentation and responded to Board members questions.

<u>Utilities; Presentation on Utilities Financing.</u> Ms. Susan Fitzgibbons, General Accountant, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Crisp, to refer water/sewer availability fees

to the Utilities Commission.

The Voting Board tally was:

Yea: (7)

Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Planning and Zoning; Consider an Amendment to the Comprehensive Plan – Urban

Services Area. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation

and responded to Board members questions.

Mr. Woodson motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-387

as proposed at the November 20, 2008 meeting with Attachment #4, which is without the

last four paragraphs presented today and to remove Shirley Heim Middle School.

Discussion ensued.

Mr. Woodson changed his motion to adopt proposed Resolution R08-387 with

Attachment #4 as proposed at the November 20, 2008 meeting which is without the last

four paragraphs.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Sterling, to ensure that this

be the map, Attachment #4, that accompanies the Land use Plan that comes from the

Planning Commission as the baseline map; that will include the work that we have done.

Discussion further ensued.

Mr. Milde made a friendly amendment, seconded by Mr. Dudenhefer, to add 6-7 parcels

on State Shop and Eskimo Hill roads to be included in the Map #4.

The Voting Board tally on the friendly amendment was:

Yea: (6) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Brito

Nay: (1) Woodson

The Voting Board tally on the substitute motion as amended was:

Yea: (6) Dudenhefer, Milde, Schwartz, Sterling, Brito, Crisp

Nay: (1) Woodson

Resolution R08-387 reads as follows:

A RESOLUTION TO ADOPT AN AMENDMENT TO THE LAND USE PLAN MAP COMPONENT OF THE COMPREHENSIVE PLAN REGARDING A CHANGE TO THE EXTENT OF THE DESIGNATED URBAN SERVICES AREA BOUNDARY

WHEREAS, amendments to the Land Use Plan Map's designated Urban Services Area across the County would more clearly reflect the current direction of the revision to the Comprehensive Plan; and

WHEREAS, the Urban Services Area, as designated on the Comprehensive Plan serves to limit the extent of public sewer improvements; and

WHEREAS, the Board has determined a need to develop an interim amendment to the Comprehensive Plan for the purpose of reducing the extent to which public sewer is permitted; and

WHEREAS, current and projected land use trends within certain areas of the County are not adequately reflected within the Land Use Plan, particularly as it applies to the Urban Services Area; and

WHEREAS, the proposed amendment would more accurately reflect these trends;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of December, 2008, that the Land Use Plan Map component of the Comprehensive Plan be and it hereby is amended to modify the extent of the designated Urban Services Area boundary, as illustrated on the map entitled "Stafford County, Land Use Plan – Urban Service Area Revision", dated November 20, 2008.

Recess. At 3:31 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:47 P.M., the Chairman called the meeting back to order.

<u>Planning and Zoning; Consider An Appeal of the Planning Director's Decision</u>

<u>Regarding Filing of an Application.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Clark Leming, on behalf of the Applicant, commented further.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R08-557.

Discussion further ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Milde, to adopt proposed Resolution R08-558.

Discussion ensued.

Mr. Brito withdrew his motion. Mr. Schwartz withdrew the second to the motion.

Mr. Crisp made a substitute motion, seconded by Mr. Woodson, to refer this item back to the Planning Director and bring it back to the next Board meeting.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartrz

Nay: (0)

<u>Parks and Recreation; Award Contract for Construction of Synthetic Turf Athletic Fields</u> <u>at Smith Lake Park.</u> Mr. Chris Hoppe, Director of Parks and Recreation, gave a presentation and responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-532.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Resolution R08-532 reads as follows:

A RESOLUTION TO AWARD A CONTRACT FOR CONSTRUCTION OF SYNTHETIC TURF ATHLETIC FIELDS AT SMITH LAKE PARK

WHEREAS, at a meeting on December 4, 2007 the Board approved lease revenue bond funding in the amount of \$1,800,000 for two synthetic turf rectangular fields to be constructed at Smith Lake Park to provide high quality playing fields; and

WHEREAS, Stafford County has access to the US Communities nationwide contract for construction services for Synthetic Turf Athletic Fields at Smith Lake Park; and

WHEREAS, a bid has been received from the vendor on the US Communities contract, General Sports Venue, LLC, for the construction of the Smith Lake Synthetic Turf Fields in the amount of \$1,540,476;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of December, 2008, that the County Administrator be and he hereby is authorized to execute a contract with General Sports Venue in an amount not to exceed One Million Five Hundred Forty Thousand Four Hundred Seventy Six Dollars (\$1,540,476) for construction of the Synthetic Turf Fields at Smith Lake Park.

<u>Legislative</u>; <u>Discuss Technology Zones.</u> Mr. Tim Baroody, Deputy County Administrator, gave a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, staff was requested to draft an ordinance to include criteria, charts, etc. and bring back to the Board.

<u>Legislative</u>; <u>Discuss Presentation of Strategic Technology Plan.</u> Mr. David Noel, Director of Information Technology, gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Discuss Property Maintenance Code</u>. Mr. Crisp commented.

Mr. Crisp motioned, seconded by Mr. Dudenhefer, to consider a Countywide Property Maintenance Code Task Force to work within the next six months to coincide with any legislation that might be implemented by the General Assembly. Mr. Crisp and Mr.

Dudenhefer will work on this issue and bring an update back to the Board at the January 6, 2008, Annual Meeting.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Recess. At 5:28 P.M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:02 P.M., the Chairman called the meeting back to order.

<u>Pledge of Allegiance.</u> Mr. Schwartz welcomed Boy Scout Troop 244, which led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

<u>Invocation</u>. Mr. Crisp gave the Invocation.

<u>Legislative</u>; <u>Presentation of National Traffic Safety Award to the Sheriff's Office.</u> Mr. Frank Kowaleski, Highway Safety Office of the Department of Motor Vehicles, presented two awards (No. 1 in the State) and (No. 2 in the Nation) to Sheriff Charles Jett.

<u>Legislative</u>; <u>Presentations by the Public</u> The following persons spoke on topics as identified:

Robert Hopkins - Excessive zoning rules and regulations.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District and M-1, Light Industrial Zoning District on Assessor's Parcels 44-99, 44-100A, 44-101C and 44-101E, 21.54 Acres Located at 56 McWhirt Loop and Consider a Conditional Use Permit to Allow Four (4) Drive-Through Facilities and a Communication Facility at 56 McWhirt Loop. Mr. Brito motioned, seconded by

Mr. Dudenhefer, to continue these public hearings to the December 16, 2008 meeting as requested by the Applicant.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

<u>Utilities; Reconsideration of Effective Date of Water Conservation Rates.</u> Ms. Susan Fitzgibbons, General Accountant, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Robert Hopkins

Dustin Smith (child)

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to defer proposed Ordinance O08-40(R).

The Voting Board tally was:

Yea: (6) Dudenhefer, Milde, Sterling, Woodson, Brito, Crisp

Nay: (1) Schwartz

<u>Planning and Zoning</u>; <u>Amends Various Sections of the Zoning Ordinance Pertaining to Electronic Signs and Subdivision Signs.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Ken Peskins

Robert Hopkins

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to refer this item back to the Planning Commission.

The Voting Board tally was:

Yea: (4) Milde, Schwartz, Crisp, Dudenhefer

Nay: (3) Sterling, Woodson, Brito

<u>Planning and Zoning</u>; <u>Amend Various Sections of the Zoning Ordinance Pertaining to the Flood Hazard Overlay District (FH).</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O08-80.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Ordinance O08-80 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; AND, SECTION 28-57, FLOOD HAZARD OVERLAY DISTRICT (FH), OF THE ZONING ORDINANCE

WHEREAS, the Code of Federal Regulations 44 CFR 60.3(d)(3) has provisions for localities to adopt regulations for floodplain management; and

WHEREAS, the Community Rating System (CRS) is a voluntary program for National Flood Insurance Program (NFIP) participating jurisdictions with objectives such as reducing flood losses, facilitating accurate insurance rating and promoting the awareness of flood insurance; and

WHEREAS, the current floodplain regulations of Stafford County do not meet the criteria required to become a member of CRS; and

WHEREAS, there are currently four hundred and thirty three (433) flood insurance policies in Stafford County and upon becoming a CRS member, Stafford County residents will receive a five percent (5%) discount in their insurance premiums; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice to require adoption of such an ordinance such that the residents get relief in flood insurance premium;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of December, 2008 that Section 28-25, Definitions of Specific Terms; and, Section 28-57, Flood Hazard Overlay District (FH), of the Zoning Ordinance is hereby ordained as follows, with all other portions remaining the same:

Sec. 28-25. Definitions of specific terms.

Base flood/one-hundred-year flood/regulatory flood. A flood that, on the average, is likely to occur once every one hundred (100) years, i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year.

Basement, below grade. Any area of the building having its floor subgrade below ground level on all sides.

Freeboard. A factor of safety, usually expressed in feet, above a flood level for purposes of floodplain management.

Lowest Floor. The lowest floor of the lowest enclosed area of a building including the basement.

Sec. 28-57. Flood Hazard Overlay District (FH).

(e)Establishment of flood hazard zoning district.

(1) Description of district

b. The flood fringe district shall be that area of the one-hundred-year floodplain not included in the floodway district. The basis for the outermost boundary of the district shall be the one-hundred-year flood elevations contained in the flood profiles of the above referenced flood insurance study and as shown on the accompanying flood insurance rate map.

(f) Official zoning flood insurance rate map (FIRM).

- (1) The boundaries of the floodplain district are established as shown on the flood boundary and floodway map and flood insurance rate map (FIRM) which are declared to be a part of this subsection and which shall be on file in the Departments of Code Administration and Planning and Zoning for Stafford County.
- (2) The delineation of any floodplain district may be revised by the board of supervisors where natural or manmade changes have occurred and/or where

more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or individual who documents the need for such change. However, prior to any such change, approval must be obtained from the Federal <u>Insurance Administration Emergency Management Agency</u>.

- (g) Zoning permit for uses, activities and development.
 - (1) All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall only be undertaken in strict compliance with the provisions of this chapter and with all other applicable codes, such as the Virginia Uniform Statewide Building Code, and the Chapters of the Stafford County Subdivision Codes and Erosion and Sediment Control. Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal laws and regulations. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
 - (2) Notwithstanding the permitted uses and structures in flood hazard districts listing in subsections (h) and (i), the zoning administrator may refuse, subject to review by the board of zoning appeals, to grant any permits for development, if it is determined that the following standards be violated:
 - c. Any structures located in floodplains shall be located, elevated and constructed as to minimize potential hazards and damage from probable flooding, resist flotation and offer minimum obstruction to flood flow. Where dwellings are permitted, lowest floor, including below grade basement levels, shall be a minimum of three (3) feet above the 100-year flood or maximum record flood, whichever is greater. No use shall be

permitted which increases amounts of potentially damaging materials (including those likely to be injurious to health) which might be carried downstream in floods.

- (4) Prior to any proposed alteration, of relocation of any channels or of any watercourse, stream, etc., within Stafford County, all applicable permits shall be obtained from the U.S. Army Corps of Engineers, the Department of Environmental Quality (DEQ) Virginia State Water Control Board, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the division of soil and water conservation (dDepartment of eConservation and rRecreation(DCR) Division of Dam Safety and Floodplain Management, and the Federal Emergency Management Agency.
- (5) All applications for development in the floodplain districts and all building permits issued for the floodplain shall incorporate the following information:
 - a. For structures to be elevated, the lowest floor elevation (including below grade basements) shown at least three (3) feet above the 100-year-flood elevation.
- (1) Exiting structures in the floodplain district. A structure or use of a structure or premises which lawfully existed before enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:
 - (2) Any modifications, alterations, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than fifty (50) percent of its market value, shall <u>conform to the Virginia Uniform Statewide Building Code (VA USBC)</u>. be elevated or

floodproofed to the maximum extent possible, and shall not create increased

hazards.

(3) The modification, alteration, repair, reconstruction, or improvement of any

kind to a structure and/or use, regardless of its location in a floodplain area, to an

extent or amount of fifty (50) percent or more of its market value shall be

undertaken only in full compliance with the provisions of this ordinance [chapter]

and the Virginia Uniform Statewide building Code.

BE IT FURTHER ORDAINED that this ordinance shall become effective on

December 2, 2008.

Planning and Zoning; Amend Various Sections of the Zoning Ordinance Pertaining to the

Height of Public Hearing Notice Signs. Mr. Jeff Harvey, Director of Planning and

Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the pubic hearing.

Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O08-71.

The Voting Board tally was:

Yea: (7)

Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Ordinance O08-71 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE

STAFFORD COUNTY CODE BY AMENDING SECTION 28-185,

CONDITIONAL USE PERMITS AND SECTION 28-205, NOTICE

WHEREAS, the approval of Ordinance O08-51 required the Planning Commission, or its representative, to post the public hearing notice signs for all reclassifications and conditional use permit applications; and

WHEREAS, the zoning ordinance requires the bottom of the sign to be posted a minimum of two and one half feet (2 and ½) above the ground; and

WHEREAS, the posting of signs is now the responsibility of the Planning Commission and the Department of Planning and Zoning; and

WHEREAS, the Department of Planning and Zoning has materials and equipment to post signs where the bottom of the sign may be only fifteen (15) inches above the ground; and

WHEREAS, implementation of the new standard will save staff time and cost to install the signs; and

WHEREAS, the Board has conducted a public hearing and carefully considered the recommendations of the Planning Commission, staff, and the testimony at the public hearing; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice requires such an amendment to the Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of December, 2008, that the Stafford County Code, Section 28-185 and 28-205, be amended and reordained to read as follows, with all other portions remaining unchanged:

Sec. 28-185. Conditional Use Permits

- (c) *Conditional use permits*. No conditional use permit shall be issued except in conformance with the following provisions:
 - (6) At least fifteen (15) days prior to a conditional use permit public hearing before the planning commission, board of supervisors, or a joint session of both, the planning commission or its representative shall erect on the property proposed for a conditional use permit a sign or signs furnished by the planning director or his designee indicating the proposed use, and the date, time, and place of the hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such property abuts a public road, and shall be placed so as to be clearly visible from the road. The bottom of the sign shall be not less than two and one half (2 1/2) feet fifteen (15) inches above the ground. If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for the conditional use permit, then signs shall be erected in the same manner as provided for, above on at least two (2) boundaries of the property abutting land owned by the applicant.

Sec. 28-205. Notice.

(b) At least fifteen (15) days prior to a map amendment public hearing before the planning commission, the board of supervisors, or a joint session of both, the planning commission or its representative shall erect on the property proposed for a rezoning, a sign or signs furnished by the planning director or his designee indicating the change proposed, and the date, time, and place of the hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such property abuts a public road, and shall so be placed so as to be clearly visible from the road. The bottom of the sign shall be not less than two and one half (2 1/2) feet fifteen (15) inches above the ground. If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for rezoning, then signs shall be erected in the same manner as provided for, above on at least two (2) boundaries

of the property abutting land owned by the applicant. The sign posting requirement shall

not apply to any change in the zoning district designation involving an overlay zoning

district.

BE IT FURTHER ORDAINED that this ordinance shall become effective on

December 2, 2008.

Planning and Zoning; Amend Various Sections of the Zoning Ordinance Pertaining to

Nonlisted Uses. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation

and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to deny proposed Ordinance O08-72.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Woodson, to defer proposed

Ordinance O08-72 to the January 6, 2009, meeting.

Discussion further ensued.

Mr. Milde made a second substitute motion, seconded by Mr. Crisp, to defer proposed

Ordinance O08-72 until after the Comprehensive Plan.

The Voting Board tally on the second substitute motion was:

Yea: (6) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Brito

Nay: (1) Woodson

Finance; Consider Participation in VML/VACO OPEB Pooled Trust. Ms. Maria

Perrotte, Chief Financial Officer, gave a presentation and responded to Board members

questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Ordinance O08-85.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Ordinance O08-85 reads as follows:

VML/VACO OPEB POOLED TRUST

AN ORDINANCE TO CONSIDER PARTICIPATION IN THE

WHEREAS, Section 15.2-1500 of the Code of Virginia (1950), as amended, provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary and the employment of the officers and other employees needed to carry out the functions of government; and

WHEREAS, in connection with the employment of the officers and other employees needed to carry out the functions of government, the County of Stafford has established certain plans to provide post-employment benefits other than pensions (hereinafter "Other Post-Employment Benefits"), as defined in Section 15.2-1545 of the

Code of Virginia (1950), as amended, to individuals who have terminated their service to the County of Stafford and to the beneficiaries of such individuals; and

WHEREAS, Section 15.2 -1544 *et seq.* of the Code of Virginia (1950), as amended, provides that the governing body of a County may establish a trust for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits; and

WHEREAS, Section 15.2-1300 of the Code of Virginia (1950), as amended, provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, any two or more political subdivisions may enter into agreements with one another for joint action pursuant to the provisions of Section 15.2-1300 of the Code of Virginia (1950), as amended, provided that the participating political subdivisions shall approve such agreement before the agreement may enter into force; and

WHEREAS, the County of Fairfax, Virginia and the County of Henrico, Virginia have determined to jointly establish and participate in the Virginia Pooled OPEB Trust Fund (hereinafter the "Trust Fund") for each such county; and

WHEREAS, the Board has considered the recommendations of staff and the testimony at the public hearing; and

WHEREAS, it appearing to the Board of Supervisors of Stafford County that it is otherwise in the best interests of the County to become a participating employer in the Trust Fund;

NOW, THEREFORE BE IT ORDAINED, by the Board of Supervisors of Stafford County on this the 2nd day of December, 2008 that it be and hereby does ordain the following:

- 1. That the County does hereby establish a trust pursuant to Section 15.2-1544 of the Code of Virginia (1950), as amended, for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits, in the form set forth in the Virginia Pooled OPEB Trust Fund Agreement (the "Agreement").
- 2. That the County does hereby agree to become a "Participating Employer" in the "Virginia Pooled OPEB Trust Fund" (hereinafter, the "Trust Fund"), as further defined in the Agreement.
- 3. That the County does hereby appoint the following individuals to the local finance board pursuant to Section 15.2-1547 of the Code of Virginia (1950), as amended, to serve as the trustee of the County with respect to the Trust Fund, and as the "Local Finance Board" as defined in the Agreement:

The finance board shall be composed of at least three members who shall include the chief financial officer of the locality, the treasurer of the locality, and an additional member who is a citizen of the Commonwealth with proven integrity, business ability, and has demonstrated experience in cash management and in investments. The citizen member is appointed for a term of two (2) years expiring two years from date of appointment.

4. That the County does hereby direct the Local Finance Board to execute and deliver the Trust Joinder Agreement for Participating Employers under Virginia Pooled OPEB Trust Fund (hereinafter "Trust Joinder Agreement").

5. That the County does hereby designate the following benefits provided to individuals who have terminated their service to the County and to the dependents of such individuals as Other Post-Employment Benefits: Health Insurance

6. This Ordinance shall be in force and effect immediately upon its adoption or passage.

<u>Legislative</u>; <u>Closed Meeting.</u> At 8:45 P.M., Mr. Milde motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM08-24.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution CM08-24 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting the following: legal advice regarding pending litigations: (a) *Stafford Lakes v. Board of Supervisors & County*, Case No. CL08-1342; and *Augustine Land & Development v. Board of Supervisors & County*, Case No. CL08-1341; and (b) *R Income v. Stafford County*, Case No. CL08-46; and *Airport Business Group v. Board of Supervisors & County*, Case No. CL08-451; and

WHEREAS, pursuant to Section 2.2-3711 A.7, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 2nd day of December, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 9:10 P. M. the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Crisp motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM08-24a.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution CM08-24a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 2, 2008

WHEREAS, the Board has, on this the 2nd day of December, 2008, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 2nd day of December, 2008, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Adjournment. At 9:11 P.M., the Chairman declared the meeting adjourned.	
Anthony J. Romanello, ICMA-CM	George H. Schwartz
County Administrator	Chairman